

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY11-07
Applicant: Matthew Cox, City Engineer

Ordinance No. _____
Resolution No. 10-142

First Reading May 10, 2010

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on May 24, 2010, for the Stormwater Relief Wells. Project #FY11-07.

BACKGROUND/DISCUSSION

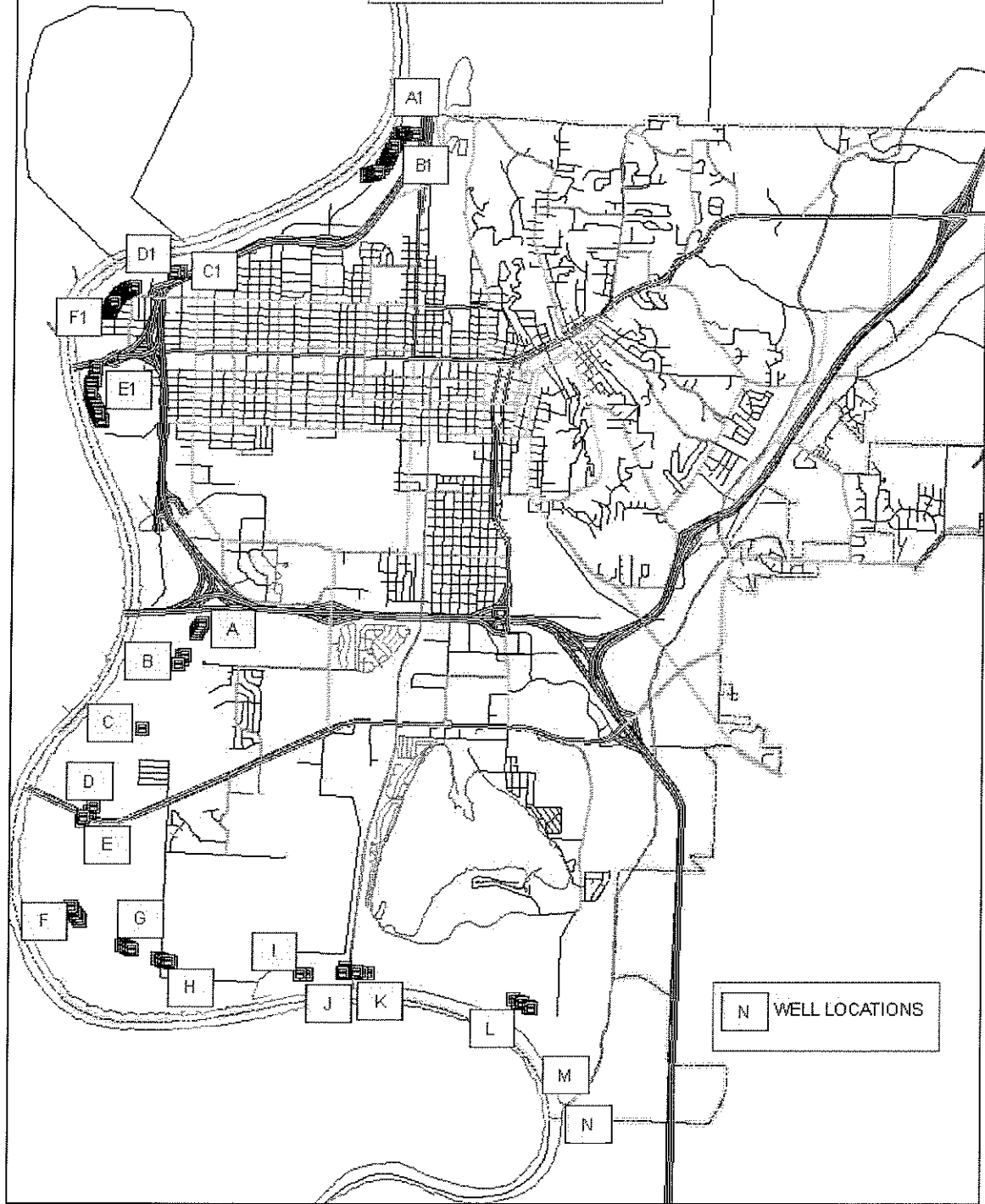
- Missouri River Levee system was completed in the late 1950's.
- Over 170 relief wells were installed with the original levee improvements. The wells are located in various locations all along the dryside of the levee system.
- The relief wells assist with levee stability during high water events, by "relieving" hydraulic ground water pressures between the wet and dry sides of the levee.
- Recent relief well inventory and assessments determined that over 138 (80%) of the total number of relief wells are at or near the end of their service life.
- In 2006, the Corps of Engineers through the River Bend Project replaced 22 of the original 170 relief wells. In groupings D1 & F1. (See attached map).
- In 2009, city project #FY10-04 replaced an additional 19 wells in grouping B1. (See attached map).
- The City's relief well replacement efforts continue with this project. It is anticipated that 20-25 wells will be replaced under this project, in groupings A1 & C1. (See attached map).
- The project is identified as FY11-07 in the CIP and is funded with \$500,000 in Sales Tax Funds.
- The project schedule is as follows:

Set Public Hearing	May 10, 2010
Hold Public Hearing	May 24, 2010
Bid Letting	June 15, 2010
Award	June 28, 2010
Construction Start	July 2010

RECOMMENDATION

Approval of this resolution.

FY11-07
LEVEE RELIEF WELLS



RESOLUTION
NO 10-142

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
STORMWATER RELIEF WELLS
FY11-07**

WHEREAS, the City wishes to make improvements known as the
Stormwater Relief Wells, within the City, as therein
described; and

WHEREAS, the plans, specifications, form of contract and cost
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the Stormwater Relief Wells setting May 24, 2010, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

May 10, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works Ordinance No. _____ First Reading May 10, 2010
Case/Project No.: FY11-14 Resolution No. 10-143
Applicant: Matthew Cox, City Engineer

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on May 24, 2010, for the So. 32nd Street Sanitary Sewer Improvements – Phase I. Project #FY11-14.

BACKGROUND/DISCUSSION

- So. 32nd Street sanitary sewer is a major 30" trunk line that serves the Northwest area of the city.
- The So. 32nd Street sewer between 12th Avenue and 9th Avenue has experienced backups during wet weather rainfalls. The sewer was constructed in 1961 and is in very poor condition.
- New sanitary sewer has been constructed along So. 32nd Street from Nebraska Avenue to 12th Avenue.
- A sewer study completed in 2009 recommends the installation of a collector sewer to fix backups and rebuilding the trunk sewer to 6th Avenue Pump Station.
- This project is Phase I of III and installs a collector sewer from 6th Avenue Pump Station to 9th Avenue.
- The project is identified as FY11-14 in the CIP and is funded with \$1,000,000 in Sales Tax Funds.
- The project schedule is as follows:

Set Public Hearing	May 10, 2010
Hold Public Hearing	May 24, 2010
Bid Letting	June 8, 2010
Award	June 14, 2010
Construction Start	July 2010

RECOMMENDATION

Approval of this resolution.

FY11-14
S. 32ND ST. IMPROVEMENTS PH. I



RESOLUTION
NO 10-143

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
SO. 32ND STREET SANITARY SEWER IMPROVEMENTS-PHASE I
FY11-14**

WHEREAS, the City wishes to make improvements known as the
So. 32nd Street Sanitary Sewer Improvements-Phase I,
within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the So. 32nd Street Sanitary Sewer Improvements-Phase I, setting May 24, 2010, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED

May 10, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

City of Council Bluffs Iowa

Office of the Mayor Proclamation

WHEREAS service to others is a hallmark of the American character, and throughout our history citizens have stepped up to meet our challenges by volunteering in their communities; and,

WHEREAS the AmeriCorps national service program has proven to be a highly effective way to engage Americans in meeting national and community needs since its creation in 1994; and,

WHEREAS more than 637,000 men and women, including 6,200 from Iowa, have taken the AmeriCorps pledge to "get things done for America" since 1994; and,

WHEREAS those AmeriCorps members have served more than 774 million hours nationwide, including 8 million served by residents from Iowa, helping to improve the lives of our state's most vulnerable citizens, strengthen our educational system, protect our environment, contribute to our public safety, and prevent discrimination; and

WHEREAS AmeriCorps members serve with more than 3,300 nonprofit, community, educational, and faith-based community groups nationwide, including more than 120 in Iowa; and,

WHEREAS residents of Iowa have earned more than 17.3 million dollars in Segal AmeriCorps Education Awards to help pay for college or pay back student loans; and,

WHEREAS AmeriCorps members, after their terms of service end, remain engaged in our communities as volunteers, teachers, public servants, and nonprofit leaders in disproportionately high levels; and,

WHEREAS, AmeriCorps Week, which is May 8-15, 2010, is an opportune time for the people of Iowa and the community of Council Bluffs to salute AmeriCorps members and alumni for their service; thank AmeriCorps' community partners; and bring more Americans into community service; and,

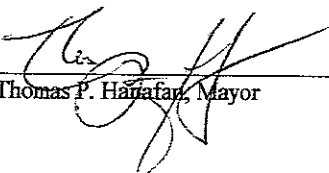
WHEREAS, the City of Council Bluffs specifically recognizes Sarah E. P. Marfisi for her service as an AmeriCorps VISTA Member with the Council Bluffs Civil Rights Commission, for all of her efforts in building the capacity of that commission and working to end discrimination through educational outreach and community service;

NOW, THEREFORE, I,
Thomas P. Hanafan, Mayor
of the
City of Council Bluffs, Iowa
do hereby proclaim
the week of May 8 -15, 2010
as

AmeriCorps Week 2010 Mayor Proclamation

in the City of Council Bluffs, Iowa, , and urge citizens to thank AmeriCorps members and alumni for their service and to find ways to give back to their communities.

IN WITNESS THEREOF, I have caused my signature and seal of the City of Council Bluffs, Iowa to be affixed hereto this 7th day of May, in the year Two Thousand and Ten.


Thomas P. Hanafan, Mayor



City of Council Bluffs Iowa

Office of the Mayor

Proclamation

- WHEREAS, Public works infrastructure, facilities, and services are of vital importance to the health, safety, and well being of the citizen of Council Bluffs; and
- WHEREAS, Public works infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent our city; and
- WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works employees; and
- WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform; and
- WHEREAS, 2010 marks the 50th anniversary of "National Public Works Week".

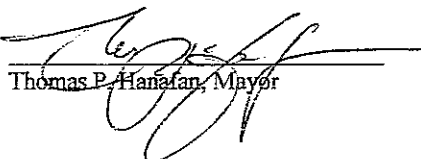
NOW, THEREFORE, I,
Thomas P. Hanafan, Mayor
of the
City of Council Bluffs, Iowa
do hereby proclaim
the Week of May 16, 2010
as

National Public Works Week

In the City of Council Bluffs, Iowa, and urge each and every citizens to pay tribute to the public works professionals, and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

IN WITNESS THEREOF, I have caused my
signature and seal of the City of Council
Bluffs, Iowa to be affixed hereto this 10th day
of May, in the year Two Thousand and Ten.




Thomas P. Hanafan, Mayor

City of Council Bluffs Iowa

Office of the Mayor Proclamation

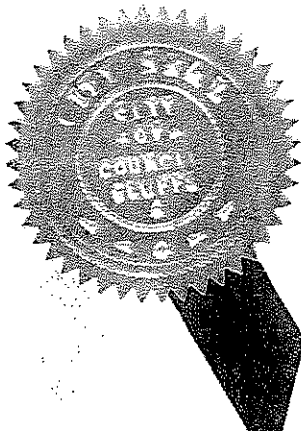
- WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and
- WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and
- WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and
- WHEREAS, "Old is the New Green!" is the theme for Council Bluffs Preservation Month 2010, co-sponsored by the Historic Preservation Commission and the National Trust for Historic Preservation.

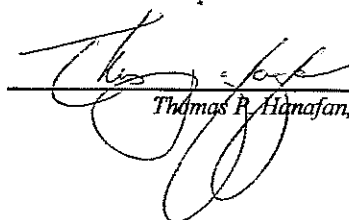
NOW, THEREFORE, I
Thomas P. Hanafan, Mayor
of the
city of Council Bluffs, Iowa
do hereby proclaim
May 2010
as

National Preservation Month

In the city of Council Bluffs, Iowa and call upon all residents of this historic city to join me in supporting the goals of Preservation Month and participating in this special observation.

IN WITNESS WHEREOF, I have caused my signature and the official seal of the city of Council Bluffs, Iowa to be affixed hereto this 10th day of May, Two Thousand and Ten.




Thomas P. Hanafan, Mayor

Council Communication

Department: Community Development Case #SAV-10-003 Applicant: Prine Custom Homes, Inc. 49 Pelican Drive Council Bluffs, IA 51501	Resolution of Intent No. <u>10-126</u> Resolution to Dispose No. <u>10-144</u>	City Council: 04/26/2010 Set Public Hearing: 4/26/2010 Public Hearing: 5/10/2010 Planning Commission: 04/13/2010
Subject/Title Request of Prine Custom Homes, Inc., represented by David Prine, to vacate that part of South First Street extending north 100 feet from the north right-of-way line of Comanche Street adjacent to Lot 14, Wilcox Glassview Addition, as shown on the attached map.		
Background The property abutting the portion of remaining right-of-way is owned by two parties. The applicant owns Lots 13-14, Wilcox Glassview Addition to the west, more commonly known as 4 Comanche Street. Council Bluffs Country Club, LLC owns the property to the north and east. The applicant proposes vacation of the right-of-way so that the 20 feet adjacent to his property could be combined with the two existing lots that he owns. He would then make application to adjust the property lines to accommodate two building sites. The existing residence will be torn down. The right-of-way requested for vacation is 4,000 square feet in area; 40 feet wide by 100 feet deep. The right-of-way is unimproved and covered by trees. There are no utilities; therefore an easement will be unnecessary. The property located to the west and southwest is in residential use. The property located to the north and east is developed as a golf course and the property located to southeast is vacant/agricultural.		
Comments The property owners returned the petition to vacate right-of-way as stated below: <u>Council Bluffs Country Club, LLC</u> : In favor to vacate/not willing to purchase. <u>Prine Custom Homes, Inc.</u> : In favor to vacate/willing to purchase. Mr. Prine has indicated he is willing to purchase the additional right-of-way that Council Bluffs Country Club, LLC is unwilling to purchase. <ol style="list-style-type: none">1. The East Manawa Master Plan adopted on June 9, 2003 by Resolution #03-131 identifies future roadway improvements to the area. The plan calls for the future expansion of east/west roadways extending from the current street network in the area to East Manawa Drive. The plan identifies Comanche Street as one of the east/west connections. The plan does not identify north/south connections in the area. The Public Work Department has indicated that further study on the north/south connection points has not been determined and that any future need for a north/south street would be accommodated from the future extension of Comanche Street, as necessary.2. The Water Works has no comment on the proposed vacation.3. MidAmerican Energy has a street light pole in the area. If the pole needs to be moved, the owner will be responsible to pay a relocation charge to MidAmerican Energy.4. Sanitary sewer is located in Comanche and Mohawk Streets.5. There is no storm sewer system at the location.		

Vacated street right-of-way must be purchased. Right-of-way is sold at a rate of \$75.00 for the first 300 square feet and then \$.15/per square foot up to 5,000 square feet. According to the current schedule of fees, each ½ of the vacated street right of way would be sold for \$330.00. If Prine Custom Homes acquires the entire right-of-way the total cost will be \$630.00.

Recommendation

The Community Development Department recommends vacation of that part of South First Street extending north 100 feet from the north right-of-way line of Comanche Street adjacent to Lot 14, Wilcox Glassview Addition, subject to the property being purchased for a sum as determined by the current schedule of fees.

Public Hearing

Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission recommends vacation of that part of South First Street extending north 100 feet from the north right-of-way line of Comanche Street, adjacent to Lot 14, Wilcox Glassview Addition, subject to the property being purchased for a sum as determined by the current schedule of fees.

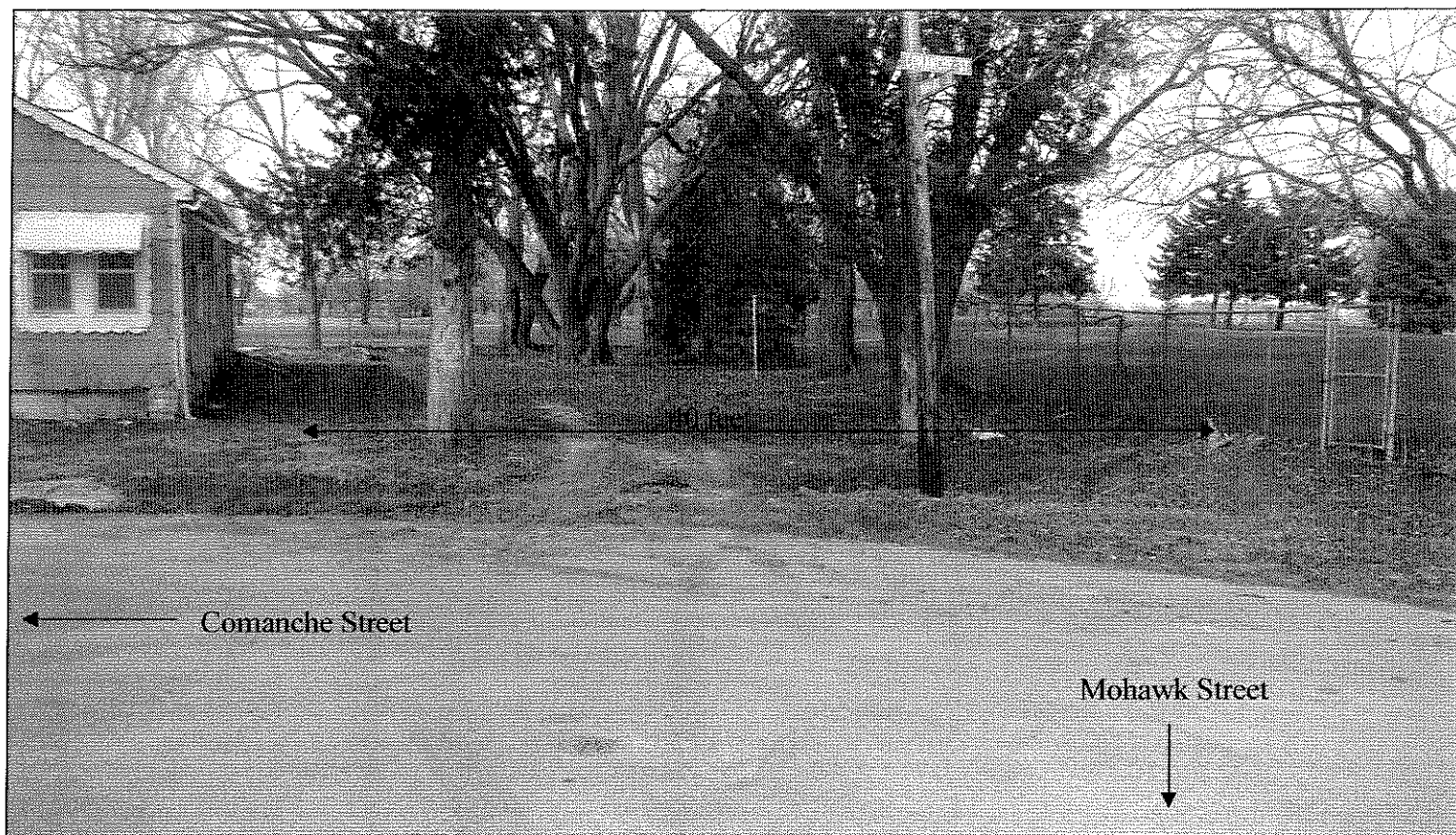
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried

Attachments: Map showing requested right-of-way vacation; photograph of the unimproved right-of-way

Prepared By: Rose Brown, Urban Planner, Community Development Department

CASE #SAV-10-003





Proposed right-of-way vacation.

Structure located on the left is 4 Comanche Street. Golf course is located beyond the fence on the right and in the background.

Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 - Phone: 328-4616
Prepared by: Community Development Dept., Co. Bluffs, IA 51503 - Phone: 328-4629

RESOLUTION NO. 10-144

A RESOLUTION TO VACATE AND TO DISPOSE OF THAT PART OF SOUTH FIRST STREET EXTENDING NORTH 100 FEET FROM THE NORTH RIGHT-OF-WAY LINE OF COMANCHE STREET ADJACENT TO LOT 14, WILCOX GLASSVIEW ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: that part of South First Street extending north 100 feet from the north right-of-way line of Comanche Street adjacent to Lot 14, Wilcox Glassview Addition, City of Council Bluffs, Pottawattamie County, Iowa, is of no benefit to the public and should be vacated; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying and quitclaiming all of its right, title, and interest in it to the abutting property owner(s); and

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the above-described city right-of-way is hereby vacated and conveyed as follows:
Prine Custom Homes, Inc. and all successors in interest: That part of vacated part of South First Street extending north 100 feet from the north right-of-way line of Comanche Street adjacent to Lot 14, Wilcox Glassview Addition for the sum of \$630.00.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a city deed conveying the City's interest in the above-described street right-of-way in consideration of the sum above; and;

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED
AND
APPROVED:

May 10, 2010

Thomas P. Hanafan, Mayor

ATTEST: _____
Marcia L. Worden, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Marcia L. Worden, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Marcia L. Worden, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

CITY OF COUNCIL BLUFFS

INTER-OFFICE MEMO

DATE: May 8, 2010
TO: Honorable Thomas P. Hanafan, Mayor
FROM: Arthur W. Hill, Director of Finance
RE: Budget Amendment Numbers for FYE 2010

A public hearing is being scheduled for the May 10, 2010 Council Meeting for the purpose of amending the current year FYE 2010 operating budget. The following identifies the nature of the changes indicated in the "Current Amendment column of the Budget Amendment.

Explanation of Amendments:

Revenue & Other Financing Sources

Using of Monies & Properties

Bass Pro Operation	620,000
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Intergovernmental

Bass Pro - Pottawattamie County Development	193,000
Capital Projects - Federal Grants	770,000
Capital Projects - State Grants	524,000
Trust Fund - Misc Projects - Police - JAG Grant	326,000
	<hr/>
	1,813,000

Miscellaneous

Trust Fund - Library Gifts & Memorials	250,000
Bass Pro Operations	1,162,000
Capital Projects - Iowa West Foundation	1,904,000
Capital Projects - Sale of land	16,000
Capital Projects - Donation & other indemnities	710,000
	<hr/>
	4,042,000

Other Financing Sources

Bonds Proceeds - 2010 A Go Bonds	3,729,000
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Total Amendments to Revenues and Other Financing Sources

10,204,000

Expenditures and Other Financing Uses

Public Safety

Trust Funds - Misc. Projects - Public Safety - Police	<hr/> 100,000
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		100,000
<u>Culture and Recreation</u>		
General Fund - Parks & Recreation - Forestry	144,000	
Trust Funds - Misc. Projects - RAG ride	56,000	
Trust Funds - Library Gifts & Memorials	<u>250,000</u>	
		450,000
<u>General Government</u>		
Trust Fund - Misc Projects - FEMA Storm Damage	<u>800,000</u>	
		800,000
<u>Debt Service</u>		
Bass Pro - Bond Payment	500,000	
Debt Service - 2000 GO Bonds - Early payment	1,500,000	
Debt Service - 2003 GO Bonds - Early payment	<u>3,500,000</u>	
		5,500,000
<u>Business Type Activity</u>		
Sewer Cap Projects - Waste Water Treatment Plant	400,000	
Storm Water Capital Projects - East Manawa Storm runoff	<u>250,000</u>	
		650,000
<u>Capital Projects</u>		15,000,000
		<hr/>
Total Amendment to Expenses, Debt Service and Capital.		<u>22,500,000</u>
<u>Fund Balance</u>		
Projected Beginning Fund Balance July 1, 2009		35,473,651
Net change in fund balance since budget was adopted		9,236,369
Restated Beginning Fund Balance July 1, 2010		<u>44,710,020</u>

**NOTICE OF PUBLIC HEARING
AMENDMENT OF CURRENT CITY BUDGET**

The City Council of Council Bluffs in POTTAWATTAMIE County, Iowa
will meet at City Hall located at 209 Pearl Street
at 7:00 P.M. CST on May 10, 2010
(hour) (Date)

for the purpose of amending the current budget of the city for the fiscal year ending June 30, 2010
(year)
by changing estimates of revenue and expenditure appropriations in the following functions for the reasons given.
Additional detail is available at the city clerk's office showing revenues and expenditures by fund type and by activity.

	Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources			
Taxes Levied on Property 1	36,048,688		36,048,688
Less: Uncollected Property Taxes-Levy Year 2	0		0
Net Current Property Taxes 3	36,048,688	0	36,048,688
Delinquent Property Taxes 4	0		0
TIF Revenues 5	4,518,200		4,518,200
Other City Taxes 6	19,790,942		19,790,942
Licenses & Permits 7	1,258,600		1,258,600
Use of Money and Property 8	630,000	620,000	1,250,000
Intergovernmental 9	8,730,343	1,813,000	10,543,343
Charges for Services 10	13,454,903		13,454,903
Special Assessments 11	102,000		102,000
Miscellaneous 12	2,647,147	4,042,000	6,689,147
Other Financing Sources 13	13,159,392	3,729,000	16,888,392
Total Revenues and Other Sources 14	100,340,215	10,204,000	110,544,215
Expenditures & Other Financing Uses			
Public Safety 15	25,685,077	100,000	25,785,077
Public Works 16	7,401,916		7,401,916
Health and Social Services 17	550,141		550,141
Culture and Recreation 18	5,587,132	450,000	6,037,132
Community and Economic Development 19	5,535,102		5,535,102
General Government 20	9,625,520	800,000	10,425,520
Debt Service 21	10,870,490	5,500,000	16,370,490
Capital Projects 22	9,037,550	15,000,000	24,037,550
Total Government Activities Expenditures 23	74,292,928	21,850,000	96,142,928
Business Type / Enterprises 24	9,869,550	650,000	10,519,550
Total Gov Activities & Business Expenditures 25	84,162,478	22,500,000	106,662,478
Transfers Out 26	13,159,392		13,159,392
Total Expenditures/Transfers Out 27	97,321,870	22,500,000	119,821,870
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year 28	3,018,345	-12,296,000	-9,277,655
Continuing Appropriation 29		N/A	0
Beginning Fund Balance July 1 30	35,473,651	9,236,369	44,710,020
Ending Fund Balance June 30 31	38,491,996	-3,059,631	35,432,365

Explanation of increases or decreases in revenue estimates, appropriations, or available cash:

Additional revenue includes Bass Pro revenues, donations, capital grants, and bond sale proceeds. Expenditure changes include Bass Pro expenditures, capital expenditures, bond payments, storm damage cost, and changes in other program expenditures.

There will be no increase in tax levies to be paid in the current fiscal year named above. Any increase in expenditures set out above will be met from the increased non-property tax revenues and cash balances not budgeted or considered in this current budget. This will provide for a balanced budget.

Arthur W. Hill

City Clerk/ Finance Officer Name

78-732

CITY BUDGET AMENDMENT AND CERTIFICATION RESOLUTION

To the Auditor of POTTAWATTAMIE County, Iowa:

The City Council of Council Bluffs in said County/Countries met on May 10, 2010, at the place and hour set in the notice, a copy of which accompanies this certificate and is certified as to publication. Upon taking up the proposed amendment, it was considered and taxpayers were heard for and against the amendment.

The Council, after hearing all taxpayers wishing to be heard and considering the statements made by them, gave final consideration to the proposed amendment(s) to the budget and modifications proposed at the hearing, if any. thereupon, the following resolution was introduced.

RESOLUTION No. _____

A RESOLUTION AMENDING THE CURRENT BUDGET FOR THE FISCAL YEAR ENDING JUNE : 2010
(AS AMENDED LAST ON _____.)

Be it Resolved by the Council of the City of Council Bluffs

Section 1. Following notice published
and the public hearing held, May 10, 2010 the current budget (as previously amended) is amended as set out herein and in the detail by fund type and activity that supports this resolution which was considered at that hearing:

		Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources				
Taxes Levied on Property	1	36,048,688	0	36,048,688
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
Net Current Property Taxes	3	36,048,688	0	36,048,688
Delinquent Property Taxes	4	0	0	0
TIF Revenues	5	4,518,200	0	4,518,200
Other City Taxes	6	19,790,942	0	19,790,942
Licenses & Permits	7	1,258,600	0	1,258,600
Use of Money and Property	8	630,000	620,000	1,250,000
Intergovernmental	9	8,730,343	1,813,000	10,543,343
Charges for Services	10	13,454,903	0	13,454,903
Special Assessments	11	102,000	0	102,000
Miscellaneous	12	2,647,147	4,042,000	6,689,147
Other Financing Sources	13	13,159,392	3,729,000	16,888,392
Total Revenues and Other Sources	14	100,340,215	10,204,000	110,544,215
Expenditures & Other Financing Uses				
Public Safety	15	25,685,077	100,000	25,785,077
Public Works	16	7,401,916	0	7,401,916
Health and Social Services	17	550,141	0	550,141
Culture and Recreation	18	5,587,132	450,000	6,037,132
Community and Economic Development	19	5,535,102	0	5,535,102
General Government	20	9,625,520	800,000	10,425,520
Debt Service	21	10,870,490	5,500,000	16,370,490
Capital Projects	22	9,037,550	15,000,000	24,037,550
Total Government Activities Expenditures	23	74,292,928	21,850,000	96,142,928
Business Type / Enterprises	24	9,869,550	650,000	10,519,550
Total Gov Activities & Business Expenditures	25	84,162,478	22,500,000	106,662,478
Transfers Out	26	13,159,392	0	13,159,392
Total Expenditures/Transfers Out	27	97,321,870	22,500,000	119,821,870
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out Fiscal Year	28	3,018,345	-12,296,000	-9,277,655
Continuing Appropriation	29	0	N/A	0
Beginning Fund Balance July 1	30	35,473,651	9,236,369	44,710,020
Ending Fund Balance June 30	31	38,491,996	-3,059,631	35,432,365

Passed this

(Day)

day of

(Month/Year)

5.B.

Resolution No. 10-145

A Resolution amending the current budget for the fiscal year ending June 30, 2010 and directing the Finance Director to file the amended budget with the appropriate authorities.

Be it resolved by the City Council of the City of Council Bluffs, Iowa, and;

That the City of Council Bluffs published a Public Hearing notice on April 29, 2010 and the Public Hearing held on May 10, 2010. The current budget is amended as set out in the published notification and in the detail by fund type and activity that supports this resolution.

The City Council further directs the Finance Director to file the amended budget with the appropriate authorities.

ADOPTED
AND
APPROVED

May 10, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

COUNCIL COMMUNICATION

Department: Public Works

Ordinance No. _____

First Reading May 10, 2010

Case/Project No.: FY11-11

Resolution No. 10-146

Applicant: Matthew Cox, City Engineer

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting June 8, 2010, at 10:00 a.m. as the date and time for the bid opening for the 31st Street Improvement – Phase IV- Avenue C to Avenue G. Project # FY11-11.

BACKGROUND/DISCUSSION

- The 31st Street sanitary sewer was built in the early 1950's. The sewer is a collector sewer receiving flow from the area between 37th Street and 29th Street north of Broadway. The sewer discharges to the 6th Avenue pump station at 31st Street.
- The sewer is in poor condition and needs to be replaced.
- The 31st Street sewer has been replaced in previous projects from 6th Avenue to Avenue C.
- This project will continue the rehab of the pavement, sanitary and storm sewer between Avenue C to Avenue G.
- The project is identified as FY11-11 in the CIP and is funded with \$1,000,000 in Sales Tax funds.
- The project schedule is as follows:

Set Public Hearing	April 26, 2010
Hold Public Hearing	May 10, 2010
Bid Letting	June 8, 2010
Award	June 28, 2010
Construction Start	July 2010

RECOMMENDATION

Approval of this resolution.

FY11-11
31ST STREET REHAB PH IV



**RESOLUTION APPROVING THE PLANS, SPECIFICATIONS,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
31ST STREET IMPROVEMENTS – PHASE IV – AVENUE C TO AVENUE G
FY11-11**

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on May 10, 2010.

That the plans, specifications, form of contract and cost estimate are hereby approved for the 31st Street Improvements – Phase IV- Avenue C to Avenue G and the City Clerk is hereby authorized to advertise for bids for said project.

May 10, 2010

ATTEST:

Marcia L. Worden, City Clerk

Council Communication

Department: Parks, Recreation And Public Property Case/Project No. Applicant: Larry N. Foster	Ordinance No. Resolution No. <u>10-147</u>	Council Action: <u>5/10/2010</u>
Subject/Title		
City Council approval of the Plans, Specifications and Form of Contract for the City Hall Window Replacement Project.		
Background/Discussion		
<p>The proposed project consists of the replacement of existing aluminum windows with new commercial grade aluminum windows in City Hall, located at 209 Pearl Street, Council Bluffs, Iowa. The proposed project will also include plaster repair, paint and caulking around the windows and removing and reinstalling all window coverings. The replacement windows are near duplicates of the original windows from 1939. The original windows were a mixture of casement and awning windows. The original windows were replaced in 1973. The proposed project also includes one bid alternate for replacing the aluminum door/frame and ADA operator at the east entrance.</p> <p>Funding for this project will be provided by the following sources:</p> <ul style="list-style-type: none">▪ EECF Grant - \$571,500.00▪ Mid-American Energy Grant - \$5,000.000▪ City In-Kind Labor - \$19,500.00▪ 08-09 CIP Project #09-04-BF (City Hall Window - \$216,260)		
Recommendation		
I recommend that the City Council approve the Plans, Specifications and Form of Contract for the City Hall Window Replacement Project.		

Larry N. Foster

Thomas P. Hanafan

Resolution No. 10-147

Resolution approving the Plans, Specifications and Form of Contract regarding the City Hall Window Replacement Project.

Whereas, the City of Council Bluffs desires to replace the existing aluminum windows with new commercial grade aluminum windows in City Hall; and

Whereas, a Notice of Public Hearing was published as required by law and a Public Hearing held on May 10, 2010.

NOW THEREFORE BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Plans, Specifications and Form of Contract for the City Hall Window Replacement Project are hereby approved and the City Clerk is hereby authorized to advertise for bids setting June 3, 2010, 10:00 a.m., as the bid date.

ADOPTED
AND
APPROVED

May 10, 2010

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, City Clerk

Council Communication

Department and Applicant: Community Development Case #ZT-10-003	Ordinance No. <u>6081</u>	City Council: 4-26-10 Planning Commission: 4-13-10 First Reading 4-26-210 Second Reading 5-10-10 Third Reading
Subject/Title Amend Chapter 15.05 – A-2/Parks, Estates and Agricultural District of the Municipal Code (Zoning Ordinance) as follows: Amend §15.05.020 ‘Principal Uses’ by adding new 13 ‘Animal shelter (non-profit)’		
Background/Discussion Fundraising continues to create an animal shelter in conjunction with the Midlands Humane Society, which is a non-profit organization. The proposed site, lying north of College Road, includes the shelter with offices and facilities for animal control officers with a dog park. The land is currently zoned A-2/Parks, Estates and Agricultural District. The Council Bluffs Zoning Ordinance does not address ‘animal shelters’ as a use. The proposed amendment adds ‘Animal shelter (non-profit)’ as a principal use in the A-2/Parks, Estates and Agricultural District. Attachment ‘A’ shows the proposed amendment to Chapter 15.05 – A-2/Parks, Estates and Agricultural District in the Municipal Code (Zoning Ordinance) as discussed above. New text is <u>underlined</u> .		
Recommendation The Community Development Department recommends amending Chapter 15.05 - A-2/Parks, Estates and Agricultural District of the Municipal Code (Zoning Ordinance) as follows: Amend §15.05.020 ‘Principal Uses’ by adding new 13 ‘Animal shelter (non-profit)’ as shown in Attachment ‘A’. Public Hearing Gayle Malmquist appeared before the Planning Commission in favor of the request. No one appeared in opposition. Planning Commission Recommendation The Planning Commission recommends amending Chapter 15.05 - A-2/Parks, Estates and Agricultural District by adding ‘Animal shelter (non-profit)’ as shown in Attachment ‘A’. VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachment ‘A’ Prepared by: Gayle M. Malmquist, Development Services Coordinator Attachment ‘A’		

Chapter 15.05
A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT

Sections:

15.05.010	Statement of intent
15.05.020	Principal uses
15.05.030	Conditional uses
15.05.040	Accessory uses
15.05.050	Site development regulations
15.05.060	Additional regulations
15.05.070	Signs

15.05.010 Statement of intent. This district is intended to preserve lands best suited for agricultural, recreational, and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

15.05.020 Principal uses. The following principal uses shall be permitted outright in an A-2 district:

01. Animal production
02. Cemetery
03. Dwelling, single family detached
04. Family home
05. Government maintenance facility
06. Horticulture and crop production
07. Local utility services
08. Park and recreation services
09. Public campground
10. Public safety services
11. Religious assembly (Ord. #5523, Sec. 1, 10/23/00)
12. Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres. (Ord. 6055, Sec. 1, 3/8/10)
13. Animal shelter (non-profit)

15.05.030 Conditional uses. The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in Chapter 15.02: (Ord. 6055, Sec 2, 3/8/10)

01. Agricultural sales and service
02. Commercial recreation (outdoor)

- 03. Day care services
 - 04. Extraction activity
 - 05. Funeral service in conjunction with a cemetery
 - 06. Outdoor firing range
 - 07. Private campground
 - 08. Sanitary landfill
 - 09. Rubble dump
- (Ord. #5523, Sec. 2,10/23/00)

15.05.040 Accessory uses. Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 District only, an accessory structure may exceed the ground floor coverage of the principal structure.

15.05.050 Site development regulations.

Minimum Lot Size

Lot area: 3 acres
 Lot width: 150 feet
 Lot depth: 200 feet

<u>Minimum Setbacks</u>	<u>Principal Structure</u>	<u>Accessory Structure</u>
Front yard:	50 feet	greater of 50 feet or existing front setback line of principal structure
Street side yard:	20 feet	20 feet
Side yard:	10% of lot width or 10 feet whichever is greater	10% of lot width or 10 feet whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage - all structures	10% maximum	

15.05.060 Additional regulations.

- 01. Reserved

15.05.070 Signs. Signage in this district shall comply with Chapter 15.33 "Signs".
 (Ord. 5285, 8/26/96)

ORDINANCE NO. 6081

AN ORDINANCE to amend Chapter 15.05 "A-2/Parks, Estates and Agricultural District" of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 15.05.020 "Principal uses".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 15.05 "A-2/Parks, Estates and Agricultural District" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 15.05.020 "Principal uses", to read as follows:

"15.05.020 Principal uses. The following principal uses shall be permitted outright in an A-2 district:

01. Animal production.
02. Cemetery.
03. Dwelling, single family detached.
04. Family home.
05. Government maintenance facility.
06. Horticulture and crop production.
07. Local utility services.
08. Park and recreation services.
09. Public campground.
10. Public safety services.
11. Religious assembly.
12. Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres.
13. Animal shelter (non-profit)."

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 6055, Section 1, 2010.

SECTION 4. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

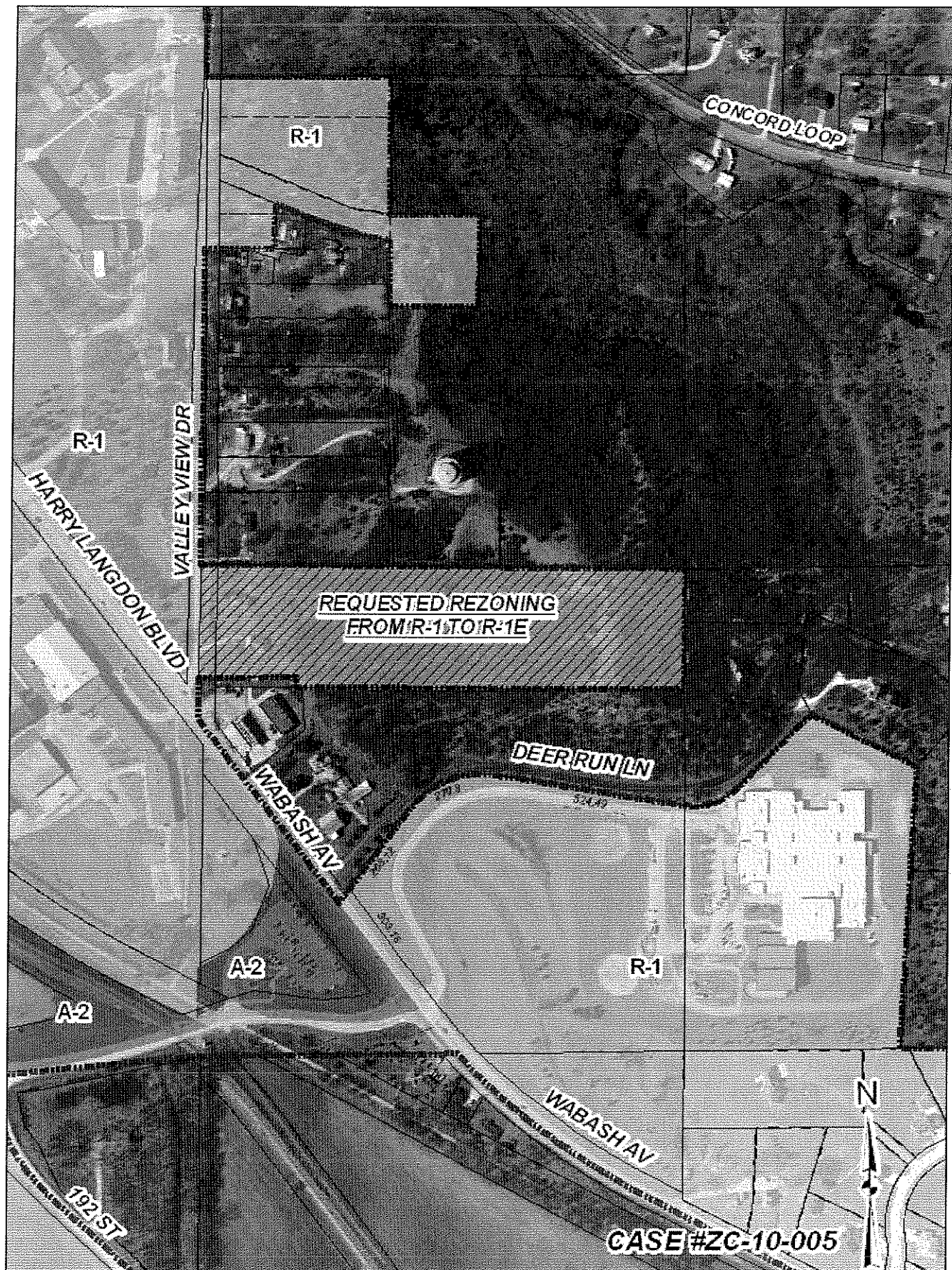
MARCIA L. WORDEN City Clerk

First Consideration: 4/26/2010
Second Consideration: 5/10/2010
Public Hearing: 5/10/2010
Third Consideration:

Planning Case ZT-10-003

Council Communication

Department: Community Development Case # ZC-10-005 Applicant: Clifford Kathol	Ordinance No. <u>6079</u>	City Council: <u>4/26/2010</u> Planning Commission: <u>4/13/2010</u> First Reading: <u>4/26/2010</u> Second Reading: Third Reading:
Subject		
<p>Request of Clifford Kathol, representing Commercial R E Services LLC, 112 Greenview Circle, Council Bluffs, IA 51503 to rezone a 9.62 acre parcel of land located in the SE1/4 SW1/4 of Section 8-74-43 described as beginning as the Northwest corner of said SE1/4 SW1/4, thence East 1325.36 feet, thence South 326.72 feet, thence West 1326 feet, thence North 332.63 feet to the Point of Beginning, except the South 25 feet of the West 218 feet, from R-1/Single Family Residential to R-1E/Single Family Residential Estates. This property, previously known as 14211 Valley View Drive, is located east of Valley View Drive and northeast of Harry Langdon Boulevard/Wabash Avenue as shown on the attached map.</p>		
Background		
<p>Cliff Kathol has proposed to divide the above described parcel and cause the construction of two single family homes. This property has access to water and improved road right-of-way. However, sanitary sewer is not available. The applicant is requesting the property be rezoned R-1E/Single Family Residential Estates which would allow the use of private septic systems. The R-1E district is intended for areas of the city in which sanitary sewer service is deemed to be impractical due to topography or the availability and proximity of sanitary services.</p> <p>MidAmerican Energy has no objections at this time. The applicant should be aware there are existing overhead and underground electric distribution facilities in the vicinity and that any relocation expenses will be the responsibility of the applicant.</p> <p>No comments have been received from any other City department or utility that would adversely affect this request.</p> <p>Three owners within 200 feet requested additional information. No one voiced opposition to the proposed rezoning.</p>		
Discussion		
<ol style="list-style-type: none">1. The elevation of the property rises from 1,000 feet on Valley View to 1,180 on the east portion of the parcel. Only the west 1/3 of the property is deemed developable. The hillside was identified for preservation in the Loess Hills Plan.2. Future development in the vicinity that can achieve urban density is unlikely. The probability of a private development of sufficient size to justify sewer extension is low.3. The terrain of the area to the east of the site is not suitable for development and should remain as open space.4. If areas to the north and southeast of the rezoning were annexed, the most appropriate zoning regulation is R-1E.		
Recommendation		
<p>The Community Development Department recommends rezoning a 9.62 acre parcel of land located in the SE1/4 SW1/4 of Section 8-74-43 from R-1/Single Family Residential to R-1E/Single Family Residential Estates for the reasons stated above.</p>		
Public Hearing		
<p>Clifford Kathol, 112 Greenview Circle, appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
Planning Commission Recommendation		
<p>The Planning Commission recommends rezoning a 9.62 acre parcel of land located in the SE¼ SW¼ of Section 8-74-43 from R-1/Single Family Residential to R-1E/Single Family Residential Estates</p>		
<p>VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried</p>		
<p>Attachments: Map showing proposed rezoning area.</p> <p>Prepared By: Rebecca Sall, Planning Technician, Community Development Department.</p>		



ORDINANCE NO. 6079

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF A 9.62 ACRE PARCEL OF LAND, PREVIOUSLY KNOWN AS 14211 VALLEY VIEW DRIVE, LOCATED EAST OF VALLEY VIEW DRIVE AND NORTHEAST OF HARRY LANGDON BOULEVARD/WABASH AVENUE, FROM R-1/SINGLE FAMILY RESIDENTIAL TO R-1E/SINGLE FAMILY RESIDENTIAL ESTATES, AS SET FORTH AND DEFINED IN CHAPTERS 15.08B AND 15.08A OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of a 9.62 acre parcel of land, previously known as 14211 Valley View Drive, legally described as follows: SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8-74-43, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as R-1/Single Family Residential to R-1E/Single Family Residential Estates, as set forth and defined in Chapters 15.08B and 15.08A of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

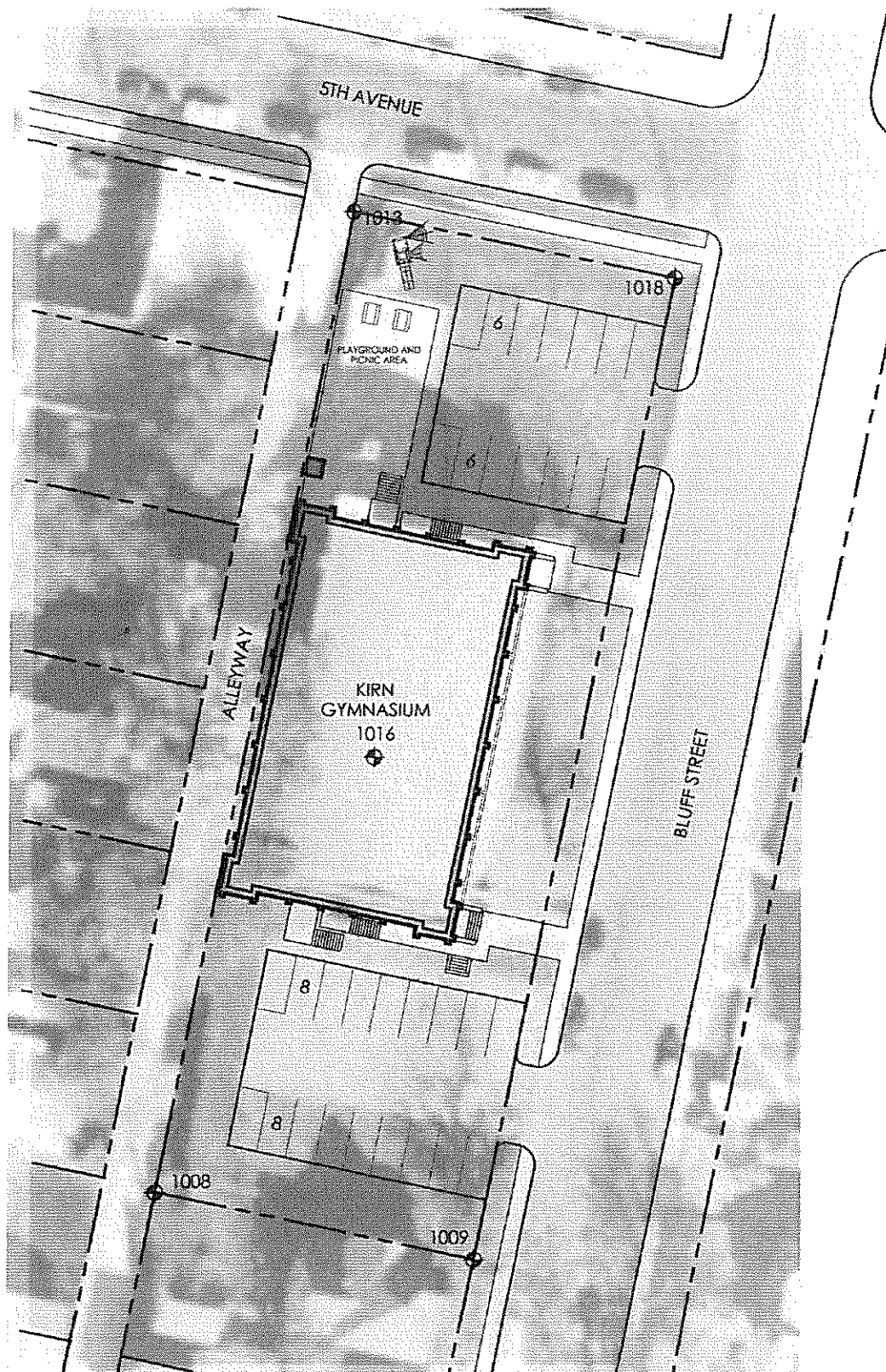
Attest:

MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: 4/26/2010
SECOND CONSIDERATION: 5/10/2010
PUBLIC HEARING: 5/10/2010
THIRD CONSIDERATION:

Council Communication

Department: Community Development Case No. ZC-10-007 Applicant: 510 Bluff Street LLC 142 W. Broadway Council Bluffs, IA 51503	Ordinance No. <u>6080</u>	City Council: 4/26/10 Planning Commission: 4/13/10 First Reading: _____ Second Reading: _____ Third Reading: _____
Subject/Title		
Rezone Lots 1 through 6, Jackson's Addition from R-1/Single Family Residential to A-P/Administrative Professional District.		
Background/Discussion		
<p>510 Bluff Street LLC is requesting rezoning of the former Kirn Gym, addressed as 510 Bluff, from R-1/Single Family Residential to A-P/Administrative Professional in order to renovate the existing structure into 20 apartments. There will be 10 studio apartments, 8 one-bedroom and 2 two-bedroom units. Off-street parking for 28 vehicles is shown, which exceeds the minimum of 21. City services and all utilities are available with adequate capacity to serve the proposed use.</p> <p>The subject property and the land to east, north and south are zoned R-1/Single Family Residential as shown on the attached map. A-P and C-3 Commercial abut on the west side. This property was zoned for multi-family use with the original map in 1928. In 2002, as part of a larger rezoning petitioned by neighboring property owners it was down zoned from R-3 to R-2. In 2004, again at the petition of neighboring property owners, this land was rezoned to R-1. The future land use map in the 1994 Comprehensive Plan calls out this land for multi-family use with administrative/professional use to west and one and two family residential use about a block east. The requested rezoning is consistent with the 1994 Comprehensive Plan. It is a reasonable extension of the adjacent zoning on the west.</p> <p>Sean Thomsen, 525 Bluff Street was opposed to both prior rezonings effecting his property. He said that he would like the same opportunity to rezone as the applicants in this case. Adding his property to this request was not possible when he call March 31, 2010. The applicants hosted an open house on March 30, 2010 at the Public Library to explain their plans. No other comments were received from adjacent property owners regarding this request.</p>		
Recommendation		
The Community Development Department recommends rezoning Lots 1 through 6, Jackson's Addition from R-1/Single Family Residential to A-P/Administrative Professional District for the reasons cited above.		
Public Hearing		
Jim Royer, 142 West Broadway Street, Suite 140, appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission Recommendation		
The Planning Commission recommends rezoning Lots 1 through 6, Jackson's Addition from R-1/Single Family Residential to A-P/Administrative Professional District for the reasons cited above by the Community Development Department.		
VOTE: AYE 10 NAY 0 ABSTAIN 0 ABSENT 1 Motion: Carried		
Attachments: Zoning Map and Site plan		
Prepared by: Gayle M. Malmquist, Development Services Coordinator		



Site Plan
Scale: 1" = 30'-0"
Kim Gymnasium
Council Bluffs, Iowa

PROJECT NUMBER: 09125

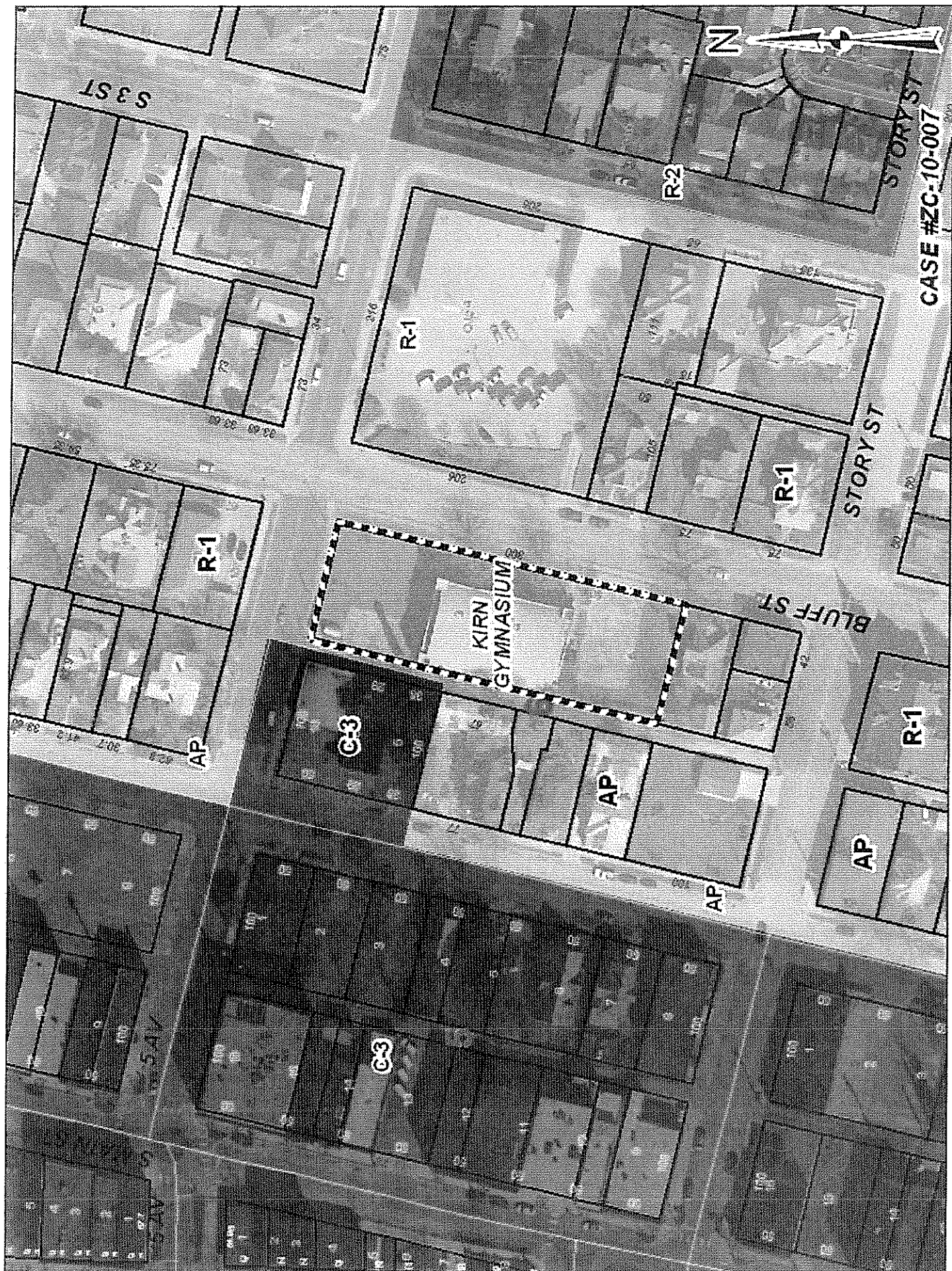
FILE LOCATION: ---

DATE: 2010-02-17

DWG. NO.

ALLEY+POTNER
MACCHIETTO

1516 Clump Street
Council Bluffs, IA 52802
PH: 402.341.1544
FX: 402.341.4735
a@alley.com



CASE #ZC-10-007

ORDINANCE NO. 6080

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF THE FORMER KIRN GYM AT 510 BLUFF STREET, FROM R-1/SINGLE FAMILY RESIDENTIAL DISTRICT TO A-P/ADMINISTRATIVE PROFESSIONAL DISTRICT, AS SET FORTH AND DEFINED IN CHAPTERS 15.08B AND 15.13 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of the former Kirn Gym, 510 Bluff Street, legally described as follows: Lots 1 through 6, Jackson's Addition, in Council Bluffs, Pottawattamie County, Iowa, from its present designation as R-1/Single Family Residential District to A-P/Administrative Professional District, as set forth and defined in Chapters 15.08B and 15.13 of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: 4/26/2010
SECOND CONSIDERATION: 5/10/2010
PUBLIC HEARING: 5/10/2010
THIRD CONSIDERATION: _____

Council Communication

Department: Legal	Ordinance No. <u>6082</u>	First Reading <u>5/10/2010</u> Second Reading <u>5/24/2010</u> Third Reading _____
Case/Project No.		
Applicant.		
SUBJECT/TITLE		
<p>An Ordinance amending Chapter 3.62 "Transient Merchants" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 3.62.100 "Prohibited acts", and enacting a new Section 3.62.100 "Prohibited acts", to prohibit solicitations at residences where owners have posted signs.</p>		
BACKGROUND		
<p>Every year about this time, we start getting complaints about door-to-door solicitations. A couple of years ago, the City of Ames had its ordinance that regulates such sales successfully challenged in the courts. Ames responded with an ordinance very similar to what is being proposed. It allows our citizens to protect themselves from unwanted solicitations merely by putting a sign on their doors. Once a door-to-door salesperson sees the sign, it would be illegal for them to attempt to make a sale.</p>		
RECOMMENDATION		
<p>It is the recommendation of the Legal Department that this ordinance be approved.</p>		

Department Head Signature

Mayor Signature

ORDINANCE NO. 6082

AN ORDINANCE amending Chapter 3.62 “Transient Merchants” of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 3.62.100 “Prohibited acts”, to prohibit solicitations at residences where owners have posted signs.

B E I T O R D A I N E D

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS IOWA:

SECTION 1. That Chapter 3.62 “Transient Merchants” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 3.62.100 “Prohibited acts” and enacting a new Section 3.62.100 “Prohibited acts”, to read as follows:

“3.62.100 Prohibited acts. No transient merchant, peddler, or person making street sales, or any person acting on behalf of said transient merchant, peddler, or person making street sales shall:

- (a) Shout, blow on a horn, ring a bell, or use any loudspeaker or amplifying system for the purpose of advertising or otherwise announcing his or her wares, or business activities, except as may be permissible under any other ordinance of the city of Council Bluffs, Iowa, or statute of the state of Iowa, and such acts shall be specifically prohibited after 9:00 p.m. and before 9:00 a.m. on any day of the week;
- (b) Have any right to any location in the public streets or ways or upon any public property, nor shall he/she be permitted to operate in any congested area where such operations might impede or inconvenience the public. The judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested or the public inconvenienced;
- (c) Sell or offer to sell goods, wares, or merchandise from a mobile vending unit on any of the city's public streets between the hours of 10:00 p.m. and 7:00 a.m. on any day of the week, and on any of the city's arterial streets as set forth on the city's arterial street map between the hours of 4:00 p.m. and 6:00 p.m. on any day of the week;
- (d) Sell or offer to sell goods, wares, or merchandise on any of the city's public streets or other areas that are situated within a one block radius of any school between the hours of 7:30 a.m. and 4:30 p.m. during the days when any such school is in session;
- (e) Sell or offer to sell goods, wares, or merchandise from a mobile vending unit unless said mobile vending unit is parked in accordance with the ordinances of the city of Council Bluffs, Iowa, and the statutes of the state of Iowa;

- (f) Sell or offer to sell goods, wares, or merchandise from a mobile vending unit from any side of the unit other than the curb side of said mobile vending unit; or
- (g) Operate a mobile vending unit that is not equipped with an accessible container in which all litter and wrappers from goods, wares, or merchandise sold therefrom can be placed, and it shall be the duty of the operator of said mobile vending unit to see that any litter and wrappers do not remain after completing sales in any one location.
- (h) Enter upon any residential premises in the City where the owner, occupant, or person legally in charge of the premises has posted, at the entry to the premises or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers", "No Solicitors", or words of similar import."

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5794 § 3 (part), 2004.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN City Clerk

First Consideration: 5/10/2010
Second Consideration: 5/24/2010
Public Hearing: n/a
Third Consideration: _____

Council Communication

Department: Police/Legal Case/Project No. Applicant's: Ralph O'Donnell & Richard Wade	Ordinance No. <u>6077</u>	First Reading <u>4/26/2010</u> Second Reading <u>5/10/2010</u> Third Reading _____
SUBJECT/TITLE		
An Ordinance to amend Chapter 3.44 "Pawnbrokers" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 3.44.080 "Recording absolute purchases – Holding period for inspection", and enacting a new Section 3.44.080, to be entitled "Recording absolute purchases and pledged items – Holding period for inspection".		
BACKGROUND		
<p>As required by the current ordinance, once a week the Police Department receives from each pawnbroker a list of all transactions from the previous week. The Police Department in turn runs all serial numbers through NCIC to check for stolen items. Any stolen item that has been reported is then recovered. Currently, pawnbrokers who purchase an item, hold this item for thirty days before being allowed to re-sell it. This hold period, however, does not apply to items which are "pledged" (taken by a pawnbroker as collateral for a short-term loan).</p> <p>Recently, a \$200 iPod was pledged at a local pawnbroker. The person returned to the pawnbroker three days later, paid off the loan, and the iPod was returned to the customer. Two days after that, this transaction, along with the rest of the week's business, was turned in to the Police Department. When it was discovered that the iPod had been reported stolen a week before the pledge, the Police Department contacted the pawnbroker to recover the iPod and was informed that the iPod had already been returned to the customer.</p> <p>The purpose of this ordinance is to require a hold period on pledged items as well as absolute purchases. A period of 15 days is recommended.</p>		
RECOMMENDATION		
It is the recommendation of the Police Department, with concurrence from the Legal Department, that this ordinance be approved.		

Department Head Signature

Mayor Signature

ORDINANCE NO. 6077

AN ORDINANCE to amend Chapter 3.44 "Pawnbrokers" of the 2005 Municipal Code of Council Bluffs, Iowa, by repealing Section 3.44.080 "Recording absolute purchases - Holding period for inspection", and enacting a new Section 3.44.080, to be entitled "Recording absolute purchases and pledged items – Holding period for inspection".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 3.44 "Pawnbrokers" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 3.44.080 "Recording absolute purchases - Holding period for inspection" and enacting a new Section 3.44.080 "Recording absolute purchases and pledged items - Holding period for inspection", to read as follows:

"3.44.080 Recording absolute purchases and pledged items - Holding period for inspection. Every pawnbroker shall, ~~on the absolute~~ upon purchases of any personal property, ~~or any property received on pledge, enter the same in the register. in the same manner as property received on pledge, and shall~~ The pawnbroker shall for thirty days after the purchase ~~and for fifteen days after the pledge,~~ keep the same at his or her place of business, subject to inspection by the officers and persons mentioned in Section 3.44.070, ~~as fully and to the same extent as goods received on pledge."~~

SECTION 2. REPEALER. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5729, Section 1, 2002.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2010
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

MARCIA L. WORDEN City Clerk

First Consideration: 4/26/2010
Second Consideration: 5/10/2010
Public Hearing: _____
Third Consideration: _____

3.44.080 Recording absolute purchases--Holding period for inspection.

Every pawnbroker shall, on the absolute purchases of any personal property, enter the same in the register in the same manner as property received on pledge, and shall for thirty (30) days after the purchase keep the same at his or her place of business, subject to inspection by the officers and persons mentioned in Section 3.44.070, as fully and to the same extent as goods received on pledge.

(Ord. 5729 § 1, 2002).